

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

ARTIS M. SPEED

Claimant

VS.

STATE OF KANSAS

Respondent

Self-Insured

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Docket No. 216,606

ORDER

The respondent requested review of the preliminary hearing Order dated October 29, 1996, entered by Administrative Law Judge Nelsonna Potts Barnes granting claimant temporary total disability and medical benefits.

ISSUES

The respondent asked the Appeals Board to review the issue whether claimant sustained personal injury by accident arising out of and in the course of employment with respondent.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the entire record, for purposes of preliminary hearing the Appeals Board finds as follows:

The preliminary hearing Order should be set aside.

Claimant works for the Kansas Department of Social and Rehabilitation Services (SRS) as a long-term care worker. As such, part of claimant's job consists of laundering SRS recipients' clothes. Claimant was injured in an automobile accident on Friday, August 9, 1996, while she was driving to her bank. She contends the accident arose out of and in the course of employment with respondent because she was allegedly going to

the bank to obtain change needed to launder one of her client's clothes. Respondent contends claimant was on a personal errand at the time of the accident and, therefore, the accident did not occur in the course of employment.

The Appeals Board agrees with respondent's contention. The Appeals Board is hard pressed to find that claimant's trip to the bank under the circumstances of this case is incidental to her employment. Although claimant initially intimated that it was imperative to immediately obtain change to launder her client's clothes because that client was ill and had soiled her undergarments, the testimony later revealed that claimant did not intend to launder those clothes until the following Monday. Further doubt is cast upon this claim by the fact that claimant was prohibited from performing extra work for clients without prior permission from a supervisor which she did not obtain in this instance. When considering the entire record, the Appeals Board finds that claimant's August 9, 1996, accident occurred during a personal errand and that it did not arise out of and in the course of employment with the respondent.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order dated October 29, 1996, entered by Administrative Law Judge Nelsonna Potts Barnes should be, and hereby is, reversed and set aside.

IT IS SO ORDERED.

Dated this ____ day of December 1996.

BOARD MEMBER

c: David M. Bryan, Wichita, KS
Lisa J. Lewis, Topeka, KS
Nelsonna Potts Barnes, Administrative Law Judge
Philip S. Harness, Director